

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000054508	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/004748	International filing date (day/month/year) 05.05.2004	Priority date (day/month/year) 09.05.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant BASF AKTIENGESELLSCHAFT		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input checked="" type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004748

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-6 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-6 _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☐ the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004748

Box No. II Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
 - ☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
 - ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

1. The claimed priority appears to be valid. In consequence, the 'P' and 'X' documents cited in the international search report have not been taken into account as prior art.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004748

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-6</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-6</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-6</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. The present application concerns a method for the production of A hydroxylation catalyst consisting of a cytochrome P450 monooxygenase (CYP), in particular of *bacillus megaterium*, **embedded in a sol-gel matrix** and a NADPH regeneration system and the use thereof for the hydroxylation of substrates, in particular of β -lonon.

2. Reference is made to the following documents (the documents are numbered in their order of appearance in the international search report):

D1 : IWUOHA, EMMANUEL I. ET AL: "Reactivities of organic phase biosensors 3: electrochemical study of cytochrome P450_{cam} immobilized in a methyltriethoxysilane sol-gel",
ELECTROANALYSIS, 12(12), 980-986 CODEN:
ELANEU; ISSN: 1040-0397, 2000, XP009034944
D2: GILL IQBAL ECKERT HELLMUT (AV.-PROP.) ET AL:
CHEMISTRY OF MATERIALS, 13(10), 3404-3421,
261 REFS. ISSN: 0897-4756, 2001, XP002291608.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

3. D1 describes a cytochrome P450 monooxygenase (cytochrome P450_{cam}) which is immobilised on a methyltriethoxysilane sol-gel system and can be used as a biosensor for, for example, camphor (D2 refers to the system described in D1).

The system disclosed in D1 does not concern a hydroxylation catalyst. Moreover, the biosensor according to D1 does not work with a NADPH regeneration system but is electrochemically regenerated on an electrode surface.

Thus, a hydroxylation catalyst consisting of a cytochrome P450 monooxygenase, which is embedded in a sol-gel matrix which also contains an enzymatic NADPH regeneration system, as well as the method for producing said catalyst are novel over the prior art (PCT Article 33(2)).

Moreover, the claimed subject matter appears to satisfy the requirements of PCT Article 33(3) since neither D1 nor D2 mentions alternative regeneration options for the cytochrome P450 monooxygenase and it cannot automatically be assumed that an enzymatic NADPH regeneration system embedded in a sol-gel matrix can perform the required regeneration of the monooxygenase.